

AMENDED IN SENATE AUGUST 15, 2013

AMENDED IN SENATE JULY 11, 2013

AMENDED IN SENATE JUNE 27, 2013

AMENDED IN SENATE JUNE 6, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 620**

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**Introduced by Assembly Member Buchanan**

February 20, 2013

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An act to add Sections 1279.8, 1507.15, 1569.317, and 1584.5 to the Health and Safety Code, relating to health and care facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 620, as amended, Buchanan. Health and care facilities: missing patients and participants.

Existing law provides for the licensure and regulation of the health facilities, as defined. Existing law requires certain types of health facilities, such as acute care hospitals and skilled nursing facilities, to develop, implement, and comply with a patient safety plan for the purpose of improving the health and safety of patients and reducing preventable patient safety events, as specified. A person who violates the provisions governing health facilities is guilty of a misdemeanor, as specified.

The Community Care Facilities Act provides for the licensure and regulation of community care facilities, as defined, including residential

facilities and facilities that provide adult day programs. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Residential Care Facilities for the Elderly Act, requires the State Department of Social Services to license and regulate residential care facilities for the elderly, as defined. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Adult Day Health Care Act, provides for the licensure and regulation of adult day health care centers, as defined, by the State Department of Public Health. A person who negligently, repeatedly, or willfully violates the act is guilty of a misdemeanor.

This bill would require specified health facilities, including various kinds of intermediate care facilities, congregate living health facilities, and skilled nursing facilities, community care facilities providing adult residential care or offering adult day programs, residential care facilities for the elderly, and adult day health care centers to develop and comply with *an absentee notification plan or a safety plan*, as specified, for the purpose of addressing issues that arise when a patient, resident, or participant, as applicable, is missing from the facility. The bill would require the plan to include a requirement that an administrator of the facility, or his or her designee, inform the patient's, resident's, or participant's authorized representative when that patient, resident, or participant is missing from the facility, *except under specified circumstances*, and to include the circumstances in which local law enforcement must be notified. ~~Because negligent, repeated, or willful~~ violations of these provisions would be misdemeanors, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1279.8 is added to the Health and Safety
- 2 Code, to read:
- 3 1279.8. (a) Every health facility, as defined in subdivision
- 4 (c), (d), (e), (g), (h), (i), or (m) of Section 1250, shall, for the

purpose of addressing issues that arise when a patient is missing from the facility, develop and comply with ~~a patient safety~~ *an absentee notification* plan as part of the written plans and procedures that are required pursuant to federal or state law. The plan shall include a requirement that an administrator of the facility, or his or her designee, inform the patient's authorized representative when that patient is missing from the facility. The plan shall include the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a patient is missing from the facility.

*(b) This section shall not apply to state hospitals under the jurisdiction of the State Department of State Hospitals when the executive director of the state hospital, or his or her designee, determines that informing the patient's authorized representative that a patient is missing will create a risk to the safety and security of the state hospital.*

SEC. 2. Section 1507.15 is added to the Health and Safety Code, to read:

1507.15. Every community care facility that provides adult residential care or offers an adult day program shall, for the purpose of addressing issues that arise when an adult resident or an adult day program participant is missing from the facility, develop and comply with a written safety plan for each resident or participant. The plan shall be part of the written Needs and Services Plan. The plan shall include a requirement that an administrator of the facility, or his or her designee, inform the resident's or participant's authorized representative when that resident or participant is missing from the facility. The plan also shall include the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a resident or participant is missing from the facility.

SEC. 3. Section 1569.317 is added to the Health and Safety Code, to read:

1569.317. Every residential care facility for the elderly, as defined in Section 1569.2, shall, for the purpose of addressing issues that arise when a resident is missing from the facility, develop and comply with a resident safety plan as part of the written record of the care the resident will receive in the facility, as described in Section 1569.80. The plan shall include a requirement that an administrator of the facility, or his or her

1 designee, inform the resident's authorized representative when  
2 that resident is missing from the facility. The plan shall include  
3 the circumstances in which an administrator of the facility, or his  
4 or her designee, shall notify local law enforcement when a resident  
5 is missing from the facility.

6 SEC. 4. Section 1584.5 is added to the Health and Safety Code,  
7 to read:

8 1584.5. Every adult day health care center shall, for the purpose  
9 of addressing issues that arise when an adult day health care  
10 participant is missing from the facility, develop and comply with  
11 ~~a participant safety~~ *an absentee notification* plan, as part of the  
12 individual plan of care, as defined in Section 1570.7. The plan  
13 shall include a requirement that an administrator of the facility, or  
14 his or her designee, inform the participant's authorized  
15 representative when that participant is missing from the facility.  
16 The plan shall include the circumstances in which an administrator  
17 of the facility, or his or her designee, shall notify local law  
18 enforcement when a participant is missing from the facility.

19 SEC. 5. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.